

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THE DRAGONWOOD CONSERVANCY,)
PLEGUAR CORPORATION, TERRY CULLEN)
 Plaintiff,)

vs.)

PAUL FELICIAN, and)
PHIL SIMMERT II,)
 Defendants)

Case No. 2:16-cv-00534-NJ

PLAINTIFF'S PROPOSED
SPECIAL VERDICTS

NOW COMES PLAINTIFFS by undersigned counsel, and respectfully submit their
PROPOSED SPECIAL VERDICTS ("Claim No. 1" through "Claim #13"); which Plaintiffs
request be given to the Jury.

Dated: APRIL 19, 2021
/s/ electronically signed by
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Claim No. 1
Particularity/Overbroad Warrant

PHIL SIMMERT

Question No. 1:

Did the warrants lack particularity as to the description of the personal property to be seized?

Answer: **Yes**_____ **No**_____

Question No. 2:

If you answered "Yes" to Question 1, then was personal property unreasonably seized?

Answer: **Yes**_____ **No**_____

Question No. 3:

If you answered "Yes" to Question 2, then specify which of Plaintiffs' personal property(s) below were unreasonably seized:

A) Animals	Answer:	Yes_____	No_____
B) Firearms	Answer:	Yes_____	No_____
C) Money/Cash	Answer:	Yes_____	No_____
D) Jewelry	Answer:	Yes_____	No_____
E) Tools	Answer:	Yes_____	No_____
F) Computers	Answer:	Yes_____	No_____
G) Permits	Answer:	Yes_____	No_____
H) Documents	Answer:	Yes_____	No_____
I) Other business paperwork	Answer:	Yes_____	No_____
J) Other personal property	Answer:	Yes_____	No_____

Claim No. 2
Exceeded Scope of Warrant

PHIL SIMMERT & PAUL FELICIAN

Question No. 4:

Was personal property unreasonably seized that was not listed on the warrant?

Answer: Yes _____ No _____

Question No. 5:

If you answered "Yes" to Question 4, then specify which of Plaintiffs' personal property(s) below were seized:

A) Animals	Answer:	Yes _____	No _____
B) Firearms	Answer:	Yes _____	No _____
C) Money/Cash	Answer:	Yes _____	No _____
D) Jewelry	Answer:	Yes _____	No _____
E) Tools	Answer:	Yes _____	No _____
F) Computers	Answer:	Yes _____	No _____
G) Permits	Answer:	Yes _____	No _____
H) Documents	Answer:	Yes _____	No _____
I) Other business paperwork	Answer:	Yes _____	No _____
J) Other personal property	Answer:	Yes _____	No _____

Claim No. 3
Unreasonable Search

PAUL FELICIAN

Question No. 6:

Did Lt. Paul Felician search or cause to be searched, any of Plaintiffs' properties in an unreasonable manner?

Answer: **Yes**_____ **No**_____

Question No. 7:

If you answered "Yes" to Question 6, then specify which properties below that Lt. Paul Felician conducted an unreasonable search of:

A) 13th Street Property **Answer:** **Yes**_____ **No**_____

B) 16th Street Property **Answer:** **Yes**_____ **No**_____

C) 17th Street Property **Answer:** **Yes**_____ **No**_____

D) KK Street Property **Answer:** **Yes**_____ **No**_____

Claim No. 4
Failure to Intervene

PAUL FELICIAN

Question No. 8:

Did Lt. Paul Felician know or reasonably should have known that other City of Milwaukee police officers were conducting an unreasonable search of any of Plaintiffs' properties?

Answer: **Yes**_____ **No**_____

Question No. 9:

Did Lt. Paul Felician have a realistic opportunity to prevent an unreasonable search of any of Plaintiffs' properties by other City of Milwaukee police officers?

Answer: **Yes**_____ **No**_____

Question No. 10:

Did Lt. Paul Felician fail to take reasonable steps to prevent damage to any of Plaintiffs' properties by other City of Milwaukee police officers?

Answer: **Yes**_____ **No**_____

Question No. 11:

If you answered "Yes" to Questions 8, 9, and 10, then specify which properties below that

Lt. Paul Felician failed to take reasonable steps to prevent damage to:

- | | | | |
|---|----------------|------------------|-----------------|
| A) 13th Street Property | Answer: | Yes _____ | No _____ |
| B) 16th Street Property | Answer: | Yes _____ | No _____ |
| C) 17th Street Property | Answer: | Yes _____ | No _____ |
| D) KK Street Property | Answer: | Yes _____ | No _____ |

Claim No. 5
Unreasonable Search

PHIL SIMMERT

Question No. 12:

Did Det. Phil Simmert search or cause to be searched, any of Plaintiffs' properties in an unreasonable manner?

Answer: **Yes**_____ **No**_____

Question No. 13:

If you answered "Yes" to Question 12, then specify which properties below that Det. Phil Simmert conducted an unreasonable search of:

A) 13th Street Property **Answer:** **Yes**_____ **No**_____

B) 16th Street Property **Answer:** **Yes**_____ **No**_____

C) 17th Street Property **Answer:** **Yes**_____ **No**_____

D) KK Street Property **Answer:** **Yes**_____ **No**_____

Claim No. 6
Failure to Intervene

PHIL SIMMERT

Question No. 14:

Did Det. Phil Simmert know or reasonably should have known that other City of Milwaukee police officers were conducting an unreasonable search of any of Plaintiffs' properties?

Answer: Yes _____ No _____

Question No. 15:

Did Det. Phil Simmert have a realistic opportunity to prevent an unreasonable search of any of Plaintiffs' properties by other City of Milwaukee police officers?

Answer: Yes _____ No _____

Question No. 16:

Did Det. Phil Simmert fail to take reasonable steps to prevent damage to any of Plaintiffs' properties by other City of Milwaukee police officers?

Answer: Yes _____ No _____

Question No. 17:

If you answered "Yes" to Questions 14, 15, and 16, then specify which properties below

Det. Phil Simmert failed to take reasonable steps to prevent damage to:

- | | | | |
|---|----------------|------------------|-----------------|
| A) 13th Street Property | Answer: | Yes _____ | No _____ |
| B) 16th Street Property | Answer: | Yes _____ | No _____ |
| C) 17th Street Property | Answer: | Yes _____ | No _____ |
| D) KK Street Property | Answer: | Yes _____ | No _____ |

Claim No. 7
Unreasonable Seizure

PAUL FELICIAN

Question No. 18:

Did Lt. Paul Felician seize or cause to be seized, any of the Plaintiffs' personal property in an unreasonable manner?

Answer: **Yes**_____ **No**_____

Question No. 19:

If you answered "Yes" to Question 18, then specify which of Plaintiffs' personal property below that Lt. Paul Felician conducted an unreasonable seizure of:

K) Animals **Answer:** **Yes**_____ **No**_____

L) Firearms **Answer:** **Yes**_____ **No**_____

M) Money/Cash **Answer:** **Yes**_____ **No**_____

N) Jewelry **Answer:** **Yes**_____ **No**_____

O) Tools **Answer:** **Yes**_____ **No**_____

P) Computers **Answer:** **Yes**_____ **No**_____

Q) Permits **Answer:** **Yes**_____ **No**_____

R) Documents **Answer:** **Yes**_____ **No**_____

S) Other business paperwork **Answer:** **Yes**_____ **No**_____

T) Other personal property **Answer:** **Yes**_____ **No**_____

Claim No. 8
Failure to Intervene

PAUL FELICIAN

Question No. 20:

Did Lt. Paul Felician know or reasonably should have known that other City of Milwaukee police officers were seizing any of the Plaintiffs' personal property in an unreasonable manner?

Answer: **Yes**_____ **No**_____

Question No. 21:

Did Lt. Paul Felician have a realistic opportunity to prevent an unreasonable seizure of any of Plaintiffs' personal property by other City of Milwaukee police officers?

Answer: **Yes**_____ **No**_____

Question No. 22:

Did Lt. Paul Felician fail to take reasonable steps to prevent the unreasonable seizure of any of Plaintiffs' personal property by other City of Milwaukee police officers?

Answer: **Yes**_____ **No**_____

Question No. 23:

If you answered "Yes" to Questions 20, 21, and 22, then specify which property(s) below that Lt. Paul Felician failed to take reasonable steps to prevent an unreasonable seizure of:

- | | | | |
|------------------------------------|----------------|------------------|-----------------|
| A) Animals | Answer: | Yes _____ | No _____ |
| B) Firearms | Answer: | Yes _____ | No _____ |
| C) Money/Cash | Answer: | Yes _____ | No _____ |
| D) Jewelry | Answer: | Yes _____ | No _____ |
| E) Tools | Answer: | Yes _____ | No _____ |
| F) Computers | Answer: | Yes _____ | No _____ |
| G) Permits | Answer: | Yes _____ | No _____ |
| H) Documents | Answer: | Yes _____ | No _____ |
| I) Other business paperwork | Answer: | Yes _____ | No _____ |
| J) Other personal property | Answer: | Yes _____ | No _____ |

Claim No. 9
Unreasonable Seizure

PHIL SIMMERT

Question No. 24:

Did Det. Phil Simmert seize or cause to be seized, any of the Plaintiffs' personal property in an unreasonable manner?

Answer: **Yes**_____ **No**_____

Question No. 25:

If you answered "Yes" to Question 24, then specify which of Plaintiffs' personal property below that Det. Phil Simmert conducted an unreasonable seizure of:

A) Animals	Answer:	Yes _____	No _____
B) Firearms	Answer:	Yes _____	No _____
C) Money/Cash	Answer:	Yes _____	No _____
D) Jewelry	Answer:	Yes _____	No _____
E) Tools	Answer:	Yes _____	No _____
F) Computers	Answer:	Yes _____	No _____
G) Permits	Answer:	Yes _____	No _____
H) Documents	Answer:	Yes _____	No _____
I) Other business paperwork	Answer:	Yes _____	No _____
J) Other personal property	Answer:	Yes _____	No _____

Claim No. 10
Failure to Intervene

PHIL SIMMERT

Question No. 26:

Did Det. Phil Simmert know or reasonably should have known that other City of Milwaukee police officers were seizing any of the Plaintiffs' personal property in an unreasonable manner?

Answer: Yes _____ No _____

Question No. 27:

Did Det. Phil Simmert have a realistic opportunity to prevent an unreasonable seizure of any of Plaintiffs' personal property by other City of Milwaukee police officers?

Answer: Yes _____ No _____

Question No. 28:

Did Det. Phil Simmert fail to take reasonable steps to prevent the unreasonable seizure of any of Plaintiffs' personal property by other City of Milwaukee police officers?

Answer: Yes _____ No _____

Question No. 29:

If you answered "Yes" to all of Questions 26, 27, and 28, then specify which property Det. Phil Simmert failed to take reasonable steps to prevent an unreasonable seizure of any of Plaintiffs' personal property by other City of Milwaukee police officers:

A) Animals	Answer:	Yes _____	No _____
B) Firearms	Answer:	Yes _____	No _____
C) Money/Cash	Answer:	Yes _____	No _____
D) Jewelry	Answer:	Yes _____	No _____
E) Tools	Answer:	Yes _____	No _____
F) Computers	Answer:	Yes _____	No _____
G) Permits	Answer:	Yes _____	No _____
H) Documents	Answer:	Yes _____	No _____
I) Other business paperwork	Answer:	Yes _____	No _____
J) Other personal property	Answer:	Yes _____	No _____

Claim No. 11
Failure to Supervise

PAUL FELICIAN

Question No. 30:

Did Lt. Paul Felician fail to supervise Det. Phil Simmert and/or other subordinates as they conducted an unreasonable search and/or seizure of Plaintiffs' property?

Answer: **Yes**_____ **No**_____

Question No. 31:

If you answered "Yes" to Question 30, then specify which properties below that Lt. Paul Felician failed to supervise Det. Phil Simmert and/or his subordinates as they conducted an unreasonable search and/or seizure of Plaintiffs' property:

A) 13th Street Property	Answer:	Yes _____	No _____
B) 16th Street Property	Answer:	Yes _____	No _____
C) 17th Street Property	Answer:	Yes _____	No _____
D) KK Street Property	Answer:	Yes _____	No _____

Claim No. 12
Punitive Liability

PAUL FELICIAN

Question No. 32:

Was the conduct of Lt. Paul Felician malicious or in reckless disregard of any of the three Plaintiffs' rights?

Answer: **Yes**_____ **No**_____

Question No. 33:

If you answered "Yes" to Question 32, then specify which Plaintiffs had their rights disregarded by Lt. Paul Felician:

A) Terry Cullen personally **Answer:** **Yes**_____ **No**_____

B) Pleguar Corporation **Answer:** **Yes**_____ **No**_____

C) The Dragonwood Conservancy **Answer:** **Yes**_____ **No**_____

Claim No. 13
Punitive Liability

PHIL SIMMERT

Question No. 34:

Was the conduct of Det. Phil Simmert malicious or in reckless disregard of any of the three Plaintiffs' rights?

Answer: **Yes**_____ **No**_____

Question No. 35:

If you answered "Yes" to Question 34, then specify which Plaintiffs had their rights disregarded by Det. Phil Simmert:

D) Terry Cullen personally **Answer:** **Yes**_____ **No**_____

E) Pleguar Corporation **Answer:** **Yes**_____ **No**_____

F) The Dragonwood Conservancy **Answer:** **Yes**_____ **No**_____